Previous references.
Cts 51 of 01–02
Med 67 of 01–02
Med 68 of 01–02
Med 231 of 02–03
Med 132 of 02–03
Later references.

1904.

(Med)

File No. 357 of 03-04

Serial Nos. 1–3

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 3

Part B. for Feb

SUBJECT.

To Petition of Mr. G. L. Lakshmanasamy Asst. Surgeon — re. his degradation

From the Surgeon and Sanitary Commr. No 363 of 6-1-04. Forwards letter from G. L. Lakshmanasamy, Asst Surgeon regarding his degradation.

To — Do. — Do. — No. G. 393 of 9-2-04.

Declines to re-open the case of G. L. Lakshma Sami and passes orders on other points.

OFFICE OF THE DEWAN OF MYSORE,

(REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

Subject.

Mr. G. L. Lakshamanasamy's applⁿ about his degradation from the rank of a Civil Surgeon to that of an Apᵗᵗ Surgeon.

Offᵍ Senior Surgeon's letter No. 9363 dated the 6th January, 1903.

Note.

In his applⁿ to the Offᵍ Senior Surgeon, dated the 1st June, 1903, Mr. G. L. Lakshamanasamy states that ever since his degradation, his health has suffered and he is troubled a good deal in mind, and that in consequence he is prevented from carrying on his duties as efficiently as he wishes. The reason for this, he states, is the idea that has entered into his head that he was not justly dealt with in the Shimoga Poison Case. He therefore makes two requests —

1st — that he may be tried by a properly Constituted Board, and allowed thereby to cross examine the persons concerned;

2nd — that Govt may be pleased to peruse all his letters of explanation including his letter No. 1308 dated 12-6-02 which, he states, the Senior Surgeon kept back, and pass orders thereon.

If Govt are not disposed to Compl with any of his above requests, then he

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‡ 1. No. and date of latest letter or paper.
2. Catch words to show nature of subject.
3. Subject to be in red and body of note in black ink.

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

~~[illegible]~~ to be permitted to retire from
the Corps pc 2
the service.

In submitting the above letter, the
Offg Surgeon states that he did not
submit it to Govt earlier, hoping that
a lapse of time might influence the Apptt
Surgeons decision, but that on again
speaking to him on the subject, the
Apptt Surgeon still adheres to his decision
to retire if his Case is not reconsidered.

The Offg S. Surgeon further states that
on going through the papers on the
subject, he Considers that the one blame-
worthy feature in the Apptt Surgeons procedure
in Connection with the Case was his omission
to take every possible step that might help
him to a knowledge of the real nature
of the irritant from whose effects he con-
sidered his patients to be suffering,
and that in this, he erred professionally
and erred also as an officer of justice
which he should have Considered him-
self to be under the circumstances.

An explanatory statement in Column no with the opinion
has also been ~~received~~ subs. of the Senior Surgeon

Subd for orders.

SHO
12/1/04

12/1/04 — 17/1/4

Through the 2nd
Councillor -

The case was most carefully
considered before the order of
30 October 1902 was passed.
The letter which I have now
in my opinion changes the
aspect of the case - The
gravity of the Lieutenant-
Surgeons misconduct in the

dent not only from the
papers & opinions which
were before Govt when
the order sought to be
rescinded was passed
but also from para
the Present Offg Surgeon
Surgeon's communic
There are, to my opinion
no grounds for a
reconsideration of the case
A commutation of sentence
at this late stage seem
out of the question -

Col Benson the Adjt
and myself were at first
disposed to think that
in case Mr Lakshmanda
preferred retirement
degradation he might as a
special case be retire
on a compassionate
pension - The Govr on
thought otherwise & I on
further consideration
with him that in the in
of official discipline
was undesirable to a
to Mr L's request - A
& a half has since elapsed & Mr L now begs
if his case could not be
reopened; he "begs permi
to retire from the servi

is not entitled to the ture
an army of the four pen-
-sions admissible under
the Service Regulations. His
further continuance however
in Service is not in his
power of mind likely to do
the Public much good. In
Public interests it seems
better that he should be
retired on a compassionate pension (not allowance)
than that he
should be kept on. His
of course will be an act
of grace.

Alexander
26/1/04

06734
This question I regret
cannot be reopened.
The question presented
must be represented by
rules. If this be taken
down in breadth &
is thereby inefficiency
in Under Sheriff. This denies
the Secretary power willingly
[illegible] his pension - In such
a contingency 3 months an invalid
pension is allowable until
28.1.04.

30/1/04

The orders on the preceding
were Communicated to
Surgeon in Govt Prop No 4
dated the 9th February, 1904

1/0
7/2/04

81. 1.

1904.

From 8-1-04.

Lt. Col: John Smyth M.D
Offg. Senior Surgeon H.S. 6

To

H. V. Nanjundayya Esqr. M.A
M.L.

Secretary to the Government
of H.H. the Maharajah
of Mysore
General & Rev: Deptt
Bangalore.

Dated 6.1.04

Despatched

Received

General No. G 363.
No.

Enclosure No. 5

Forwarding for favor of disposal by the Government letter of 1st June 03 addressed to the Offg: Senior Surgeon by Mr. G. L. Lakshmanaswami with his previous letters to Col: Benson about his degradation in connection with the late Shemoga case.

Lt. Col. John Smyth M.D, I.M.S,

Offg: Senior Surgeon & Sanitary Commissioner

to the Government of H. H. the Maharaja

of Mysore, Bangalore

To

H. V. Nanjundayya Esq. M.A, M.L,

Secretary to the Government of H. H. the

Maharaja of Mysore, Bangalore.

Dated 6th/11 January 1904

No. G. 363

Sir,

I have the honor to forward for the disposal of govern ment, a letter to me from Assistant Surgeon Mr. G.L. Lakshumanasawmy dated 1st June 1903, also, at his request, letters of his to Col. Benson, viz. No. 1247 of 3rd June 1902, No. 1308 of 12th June 1902 & No. 1414 of 10th July 1902.

In addition I have forwarded an explanatory statement in columns for ready reference.

Draft 2. The whole matter has reference to G. O. No. 5301-2 Mis. 816 of 3rd October 1902 wherein Government review and pass orders on what has come to be called the " Shemoga case "

3. It will be seen from Mr. Lakshumanasawmy's letter to me of 1st June 1903, that he considers Government has passed orders without the whole evidence being placed before it and that he accordingly has not received that measure of justice which would have been his, had Government been cognisant of

all

all the details in. ·r. Lakshumanasawmys favour

4. In the same letter the Assistant Surgeon com
of broken health as the result of the deep sense of the i
tice of which he considers himself to have been the victim.

5. The Assistant Surgeon makes request

I. To have him retried by a properly constituted Board.

II. If Government refuse to reopen the questio
that they may be pleased at least to perus
his explanatory letters including his No.
1308 of 12th June 1902.

6. The Assistant Surgeon begs to be permitted to retire from the service, if Government does not condescend to grant any of the above requests.

7. I have not brought the matter before Government in th hope that lapse of time might influence the Assistant Surgeon's decision, but on again speaking to him on the subject, he still adheres to his decision to retire if his case is not reconsidered.

8. I have gone through the papers, and consider that the one blameworthy feature in the Assistant Surgeon's procedure in connection with the case was his omission to take every possible step that might help him to a knowledge of the real nature of the irritant from whose effects he considered his patients to be suffering. In this he erred professionally and erred also as an officer of justice which he should have con-

sidered

considered himself to be under the circumstances.

The Magistrate's condemnatory remarks in regard to the Assistant Surgeon's conduct in other respects seem to me to be, common fairness, especially where he implies that Mr. Lakshumanasawmy attempted to hush up the case and might have succeeded had it not been for the Police.

I do not think any further remarks are called for from me. The whole matter is now before Government for such action as they may be pleased to take.

I have the honor to be

Sir,

Your most obedient servant

M.D.

Lt.Col.I.M.S.

Offg: Senior Surgeon & Sanitary Commissioner

Mysore Government.

From

G. L. Lakshumanasawmy Esqr.

Civil Surgeon

Shemoga District.

To

Lt. Col. Percy F. Benson M.B, I.M.S,

Senior Surgeon and Sany: Commissioner

Mysore Government.

No. 1247

Dated 3rd June 1902

Sir,

In returning copy of judgement of the 1st Assistant Commissioner and 1st Class Magistrate, Shemoga in the recent Shemoga town poisoning case, received with your Memo No. 568 dated 13-5-02, I have the honor to submit the following explanation.

2. Since Mr. S. K. Hanumantha Rao the Sub Assistant Surgeon and I were only prosecution witnesses in the case, since the case was entirely in the hands of the Police , since we were examined before the Magistrate one after the other, since as witnesses we had not the opportunity of knowing what allegations the other witnesses that were examined in our absence made against us or the Medical Department, since we had not the opportunity to cross examine them on their allegations touching the Medical Department and since in my humble opinion the Magistrate in his judgement had travelled out of the way and made very serious charges and insinuations against the conduct of Medical men and Medical administration setting out only one set of statements without, in fairness setting out the other set of statements and facts, I thought that copies of statements of all the witnesses were absolutely necessary to submit my full explanation on the several points and therefore I applied for copies of them on 16-5-02 but I did not get any reply from the Magistrate till 23-5-02. Meanwhile I received your docket No. 5595 dated 19-5-02 asking me to submit my explanation within

eight days from the date of receipt of your Memo No. 568 dated 13-5-02, I again submitted my difficulty in my letter No. 1226 dated 21-5-02, it was only on the 29th Instant that I was able to get the required copies which are sent to you for perusal as references are made to them in my explanation.

3. Since the charges laid at my door are very serious as considered by you also, and as you say unless a full and satisfactory explanation is rendered they affect my conduct and that of the Medical Department, I crave your kind indulgence and with your permission I beg to place before you first a clean statement of the aspect of the case as presented by the Magistrate in his order based on some facts which he utilizes for his view. In so doing many of the important points on which explanation is required are explained incidentally to the best of my ability.

4. The charges against the Compounder is that he might have given four drachms of Bismuth sub nitrate mistaking it for Magnesium Sulphate as a purgative to the deceased old man Domingo D'Souza on the 14th February 1902 at about 4 P.M. The Compounder admits having given the said old man four drachms of Magnesium sulphate as a purgative but not Bismuth Sub nitrate and that he as a tried and experienced compounder of 22 years service was no fool to mistake Bismuth Sub Nitrate for Magnesium sulphate and that he never committed any such mistake. He further admits that he was in the habit of giving out such ordinary medicines without the prescription and knowledge of the Hospital authorities and in the present case also he did the same.

5. It is evident from the statement of Revd: Poulnais the 2nd Witness for prosecution that the deceased old man was also well acquainted with Magnesium Sulphate and he is also of opinion that no mistake was made by the Compounder, for, Revd Poulnais says that the old man even in his dying moments told him that he had often taken the medicine but never felt like that and that a mistake was made in preparing the decoction in the house (Vide also para 26 of the Magistrate Judgment order).

There was no reason to suspect the capacity of this compounder either during my predecessor's or my time till this case cropped up. My Predecessor and myself never entertained the slightest doubt about his capacity to lead us to depute any special Hospital Assistant to supervise his compounding nor was there even the slightest complaint at any time before the sad occurrence from the public about his incapacity to compound properly. Mr. S. K. Hanumantha Rao who worked in the hospital during my predecessor's time says that no Hospital Assistant was deputed to superintend the compounding and I simply allowed the same practice to be continued finding no reason to alter it.

6. Even the Magistrate as will be evident from his questions to the Chemical Examiner (the Court Witness) all along thought that a compounder of so many years experience could not have made such a mistake as he is alleged to have made and the Chemical Examiner is also of opinion (as will be evident from the last part of para 39 of the Magistrate's order) that a man of the accused's experience would have easily found out the mistake if he had taken out the Bismuth bottle instead of that containing epsom salts. In para 53 of his order the Magistrate touches upon the distinctive nature of the bottles and after describing the bottles that contained Bismuth Subnitrate and Magnesium sulphate forcibly concludes that even a blind man can by mere touch of them make out the difference between them, there by meaning that a Compounder of 22 years experience could not possibly have made a mistake with regard to the bottles. In para 54 of his order the Magistrate makes out that by the dissimilar nature of the salts themselves it was not possible to make any mistake In para 56 of his order the Magistrate says that unless the accused was so badly drunk when he gave out the salts i.e. at about 4 P.M. on the 14th February 1902 he could not have made any such mistake and adds that there was not even a suggestion that he was not sober then. The Magistrate in paras 41, 43, 44 45 46,47, 48, 50 51 & 52 of his order further strengthens his conviction that the accused

made

made no mistake in the Hospital in giving out the salt and ultimately finds that he is not guilty.

7. Thus it will be evident from the reasonings of the Magistrate that no mistake was likely to have been made or was made by the Compounder in the Hospital in giving out the salt and so no Bismuth Subnitrate was given out by him instead of Magnesium sulphate.

8. As a necessary sequel to this conclusion no remark of any kind could in my humble opinion arise against the Hospital administration beyond a possible remark that a Compounder, however trustworthy, ought not to have been encouraged to give even the ordinary medicines on his own responsibility without a prescription from a qualified Medical man. But it must here be pointed out that that the fact of this Compounder having been in the habit of giving out medicines without prescriptions was not known to the Medical Authorities till now and when known for the first time the necessary precautions have been taken against it.

Owing perhaps partly to the paucity of hands and partly to the confidence created by this experienced Compounder no Hospital Assistant was deputed even during my predecessor's time to supervise compounding &c as will be evident from the statement of Mr. S. K. Hanumantha Rao and I simply allowed the practice to be continued and in doing so if I am held to have erred I humbly beg that I may be excused for it. Moreover during my time especially for the past several months the town was infected with Plague and the few Hospital Assistants that were in the station had to be employed on plague duty. The paucity of hands has repeatedly been brought to your notice.

10. Finding as the Magistrate does that no mistake was committed by the Compounder in the Hospital, I humbly submit that I fail to see how the Magistrate's remarks made in para 37 of his order necessarily arise out of that .But since an explanation is called for on this point I beg to submit that what the Sub Assistant Surgeon referred to was only to poisonous drugs and not to Bismuth Subnitrate which is not included in that category and it is said that Bismuth subnitrate bottle was left

left on the shelf containing ordinary medicines along with the bottle containing Magnesium sulphate .

11. As for leaving, in a box in the compounding room the key of the poison shelf containing small quantities of poisons to be readily accessible in urgent cases, I beg to submit that Mr. S. K. Hanumuntha Rao has stated in his explanation now submitted how long that practice has been in vogue. Even my predecessor allowed the same practice to be continued feeling perhaps that to do otherwise would cause inconvenience in urgent cases. If the key is entrusted to the Sub Assistant surgeon or kept by the Civil surgeon and if they are absent at times and when the urgency of any case demanded the use of those medicines at the hands of the Hospital Assistant that may be present at the time great inconvenience would be caused. In my evidence before the Magistrate I have stated the precautions that Mr. Hanumantha Rao has been taking to obviate any danger arising out of that practice viz. of examining the bottles in the shelf daily before beginning to prescribe, of replenishing the bottles whenever necessary from the stock in the store room which is always kept under lock and key, one key thereof being with the Civil surgeon and the other with the Sub Assistant surgeon and of keeping a servant on duty with special instructions to see that none meddled with the key of the shelf.

12. This practice also, I humbly submit, I allowed to be continued as it has been in vogue since my predecessor's days And it has not been shown until now either in the present case or otherwise that any danger has arisen out of this and that any poison from that shelf was the cause of the deaths. However if I am held wrong in having followed the practice adopted by my predecessor I respectfully beg that I may be pardoned for it and guided in the future.

13. With due respect to the Magistrate I beg to submit that when he instead of confining himself to the main issue before him viz. whether the accused committed a mistake as alleged by the prosecution or not, travels, in my humble opinion ~~ne~~ unnecessarily beyond that and wishes to sit in judgment over the

professional

professional actions of the Medical men, such as treatment of patients under the peculiar circumstances of each case at particular times &c, he ought to place himself in their position at that juncture and then judge of them. It is all very well to say that after every thing has happened and on results, that some other thing might have been done &c. Unfortunately the Magistrate bases his remarks against me on the statement of the first witness for prosecution but is not even generous enough to give any credence to my sworn testimony as will be shown later on.

14. From the conclusions of the Magistrate about the ~~innocence~~ innocence of the accused Compounder it will be evident that if the deaths were due at all to the administration of an irritant poison as suspected by me at the last stage when I was take to the patients, it must be due to something other than Bismuth Subnitrate some where got and some-how swallowed by the deceased. If that be so, taking into consideration the quantity of the drug said to have been swallowed and also the time when they died and further taking into consideration the opinion of the Chemical Examiner that the small quantity of Bismuth Subnitrate administered as medicine by Mr. K. Ramamantha Rao viz. 40 grains in all to the old man and a few grains to each of the children (out of which a greater portion must have escaped in the frequent vomiting and purging which subsequently occurred) could possibly have been absorbed into the system and deposited in the several organs sent to him for analysis and also appeared in the subsequent stools of the patients one is naturally forced to the opinion that traces of the irritant poison swallowed by the persons, if any, could also have been found in the organs and stools. There was repeated vomiting after the purgative dose (which was subsequently suspected to contain an irritant poison) was swallowed, the evidence showing, that the quantity swallowed was pretty large, and there was also repeated vomiting after the administration, as medicine, of Bismuth Subnitrate (only 40 grains in all to the old man and a few grains to each of the children out of which some quantity escaped in the fre-

frequent vomiting). Why the Bismuth Subnitrate could be detected in the several organs of the deceased persons but not the poison which took away three lives, I fail to understand. It can not be said that the whole of the poison swallowed escaped in the vomiting, and there was nothing left for absorption afterwards, for if such a thing had occurred all the three lives would have been saved . It is therefore to be inferred (such inference being inevitable) that some of the poison must have been absorbed into the system and could have been detected in the organs. Was it absolutely impossible to detect the poison in the absence of the vomited matter? If so how was it that notwithstanding repeated vomiting after the administration of Bismuth Subnitrate as medicine by Mr.P. L. Hanumantha Rao (which vomiting was not sent up for examination) that medicine was found in all the organs and subsequent evacuations. Is the Chemical Examiner prepared to say that it was absolutely impossible to detect traces of the poison in the internal organs in the present case and under the circumstances mentioned ?.

15. A quantitative analysis of the Bismuth Subnitrate found would have shed considerable light on the nature of the case. This the Chemical Examiner did not do though requisitioned by me.

16. When the Chemical Examiner says that no traces of anything except Bismuth Subnitrate were found and when the quantities of that medicine administered by Mr. P. L. Hanumantha Rao to the patients Viz. 40 grains in all to the adult and few grain to each of the children is universally admitted as insufficient to cause their death then the deaths it must be naturally inferred must have been due to over dosees of Bismuth Subnitrate somewhere got and some how swallowed. The pill box that was said to have been found in the box of the deceased old man and which according to the Chemical Examiner's statement contained a few grains of Bismuth Subnitrate ~~sticking~~ Sticking to its interior was one capable of holding only one drachan of that substance and as such even supposing that it contained Bismuth Subnitrate to its full and all that was swallowed, I am afraid even that

would

would not have produced the symptoms observed.

17. When the Compounder made no mistake and gave only 4 drachms of Magnesium sulphate the deceased old man must have used it up taking some of it himself and giving some to the children since no Magnesium Sulphate was found in the house by the Police. Even presuming (which is against probability and reason) that all the contents of the pill box together with 4 drachms of Magnesium Sulphate had even swallowed mixed with the decoction of senna leaves it is improbable that, that would have produced all the symptoms observed and ultimately death.

18. As regards preservation of evacuations, I beg to submit that, for these to be of any use in the detection of poison the Vomited and purged matter in the earliest stages should have been collected, and Sub Assistant Surgeon Mr. S.M.Hanumanth Rao who attended on the patients at these stages did not preserve the evacuations for reasons set forth in his explanation which is attached. For this omission on his part I beg to submit, I cannot be held responsible.

19. In para 8 of his order the Magistrate makes the proximity of the deceased's house to the hospital and my quarters as a ground for some remark. I need point out that the house is not just opposite to my quarters as he wishes to make out, but after all that is a small matter. No doubt the house is near enough like other houses all round . By the mere proximity of the houses, I think, I cannot be presumed to know what transpires in these houses unless it is specially brought to my notice by some body.

20. In this particular case I humbly submit that till I was called by Revd: Father Markhan to see the patients I did not know any thing about their having taken ill. On that morning, as usual, I left home at about 7 A.M. and after visiting the jail, the Plague Camp, the District Judges House, where I had some patients to see, and after going into the town to see some suspicious cases of plague, went to the hospital at about 10 A.M.. From 10 A. M. to 12 Noon I was in the hospital attending to business. While there, neither Mr. S.M. Hanumantha Rao nor anybody else did tell me of what had occurred in the deceased's

house

house though so much had transpired up to that time. After 12 noon when I was going home Revd: Father Markhan met me and took me to the deceased's house where afterlearning the history of the cases and other particulars, I examined each of the patients going to the place wherein each lay. The old man was in the hall and the 2 children were in a small room close by. I have given my statement to this effect before the Magistrate. If, as is stated in the order I had stood at the door and not gone in how would I have been able to say where each patient lay and how would I have been able to see the evacuations which were near the patients and which, there is no evidence to show were carried to the place where I was said to have been standing viz the door.
There was certainly no fear of any kind for me to go in and examine the patients. After examining the patients , finding that they were in a state of collapse from repeated vomiting and purging and finding from the appearance of the vomited matter which was bloody that there was considerable irritation of the stomach I prescribed cooling drinks, effervescing draughts of soda and acid and nourishments. By that time it was about 1 P.M.. Feeling quite exhausted, I went home . Before dwelling on what subsequently happened I may state herethat while in the deceased's house making enquiries about the illness of three persons and examining them nobody told me anything about Mr. S. K. Hanumantha Rao having gone there and prescribed for the patients and I could not possibly Conceivethat between the time the purgative acted and the time I was called in (viz. about 3 hours) another Medical man might have been brought in to treat the patients, especially when it is proverbial almost that the majority of the ordinary class of people resort to Hospital treatment only after their domestic medicines have failed to afford relief. My impression therefore was that I was the first to visit the patients.

21. As stated above, after prescribing for the three patients what I thought best under the circumstances I went to home atabout 1 P.M. I may here state that usually I return home from the hospital at 12 noon or a little latter sometimes, and after

after getting home I confess that, as one having religious scru ples, I bathe and after performing " Puja " of my God I take my meals. No doubt my peons know this. But I had never instructed them not to disturb me while in "Puja" when very serious and urgent cases required my immediate presence. In the present case I did not at all know that some one had come to call me when in "Puja." Had I known this I would certainly have broken up my "Puja" and attended to the case at once. On that particular day I took meals at 3 P.M. and came out. My peons then told me that some body had come to see me, I very much regretted for the mis take they had made and rebuked them severely. It is to be observed that I left the patients at about 1 P.M. and by 3 p.M. two were dead. I then went to the spot and with very great difficulty I had the surviving boy removed to the Hospital, where I placed the boy in a separate room on a confortable bed. He was very weak but was conscious, pulse was small and threddy, hearts action feeble. There was constant retching. I got at once some soda water from my house and administered large draughts of it to the boy. This was then followed up by brandi and milk He vomited once on the coat that he had worn and again about half an hour or so after on the same coat. I personally attended on the boy with the aid of 2nd Class Hospital Assistant W.A Modak. The brandi, milk and soda water were repeated every hour. No body stayed with the boy. His father used to come and go, one or two women (I do not know who they were) saw him and went away. By half past five O'clock or so the boy improved somewhat, heart being still feeble galvanism was applied to the cardiac region. At about 6 P.M. the father of the boy came to the hospital and wanted to take him away. I strongly protested against it telling the father that his house was very small and ill ventilated and that there were already two dead bodies in it and that if he be removed the boy home there was very poor chance of his recovery. The father did not listen to my advice grew stubborn and at last took the boy away without even asking for a supply of medicines to be given to the boy at home. The diet sheet of the boy while in hospital is enclosed, in which the

treatment

treatment adopted is clearly shown.

22. I did not give intimation to the Police about the deaths, but I got Revd: Father Poulnais to do it as will be evident from his depositions before the court. When I saw the three patients at 12 noon on that day and from the nature of the vomited matter, suspected irritant poisoning I did not think it right to have intimation of it given to the Police then and there as the visit of the Police then would have seriously disturbed the peace of mind of the deceased's son and other relatives and thus deprived the poor patients of the attention that they would otherwise have received at their hands.

23. As regards the charge that I failed to preserve the bloody vomit of the deceased old man when I saw it at his house at 12 noon on that day and suspected it to be the result of some irritant poison and subsequently that of the boy while he was in the hospital which vomited matter was also bloody, I beg to state that these vomited matters from the fact of their having been bloody in character were suggestive to my mind of rupture of small blood vessels from frequent antiperistaltic action of the stomach when there was nothing in it for ejection I.E. when it was empty. What I saw in the deceased's house was perhaps the matter brought up after repeated vomiting and after the administration of Bismuth Subnitrate by Mr. S.K.Hanumantha Rao and the vomiting that the boy had in the hospital was perhaps the 10th or 12th and that too was after the administration of Bismuth Subnitrate. I beg to ask the question of what use could these be in the detection of poison, they would have also shown traces of Bismuth Subnitrate . If as the Magistrate says in para 49 of his order, the vomited matter at the early stages had been collected it would have lent considerable light to the case. But that vomited matter was not collected by those that ought to have collected it and I cannot be held responsible for it. Besides I beg to submit that I am not aware of any rule or order requiring Medical Officers to collect evacuations for Chemical analysis and I have never in my service of 15 and odd years done this, all along I have been under the impression that this

is

is the duty of the Police .Even in the Government Proceedings publishing the duties of the Chemical Examiner it is clearly stated that Medical Officers are to send subsatances for chemical examination in Medico-legal cases only on the receipt of an order to that effect from a Magistrate or a Police officer not below the rank of Assistant Supreintendent of Police. When such is the case, I submit that I fail to see how the non-preservation of the vomited matter in the present case can be considered as a failure of duty on my part. Moreover the taking possession ,by a Medical man in the absence of powers that the Police exercise in that respect, of clothes soiled with and vessels containing evacuations becomes delicate and sometimes risky duty.

24 In the case in question it is on record that the Police made enquiry in the deceased's house if any vomited and purged matters were available ,wing clearly that they (the Police) knew that the preservation of evacuations was their duty and was an important matter in the case (vide statement of special Reserve Police Inspector Subba Rao). The first witness has deposed to the effect that the Police did secure the vomited and purged matter (vide his statement) but what they did with it is not known. Reserve Police Inspector Sub a Rao states that the 1st witness viz. the deceased's son was asked if any vomited and purged matter was preserved but a negative reply was got. It is to be particularly noticed that this question was asked not on the day the deaths occurred, though the Police were making investigations about the case on that day from 5-30 to 10-30 P. M, but on the following day .The inmates of the house cannot be expected to keep the stinking vomited & purged matter till the next day and perhaps thinking that it would not be required they might have thrown it away and washed all the soiled clothes. If on the day the deaths occurred the Police had turned their attention towards securing the evacuations which was a most important part of their duty in the case they would probably have secured all. They need not have spent much time over it, about 5 minutes would have sufficed, unfortunately this they failed to do. The Police knew that the survi-

surviving boy was in the hospital. They could have easily put a watch on him and secured his coat which was soiled with vomited matter which the Medical men could not do as taking possession of the patients property viz. the coat, was concerned. How could the Police be expected to do this when they could not think of preserving the evacuations in the deceased's house on the day the deaths occurred?. Notwithstanding these omissions on the part of the Police their actions are held to be commendable by the Magistrate (vide para 13 of his order).

25. In para No. 20 of this letter I have stated that when I was called to see the three patients on that day no body in the house told me that Mr. V. Hanumantha Rao had gone there and prescribed medicines for them and before going to the house while in the hospital, the staff informed me of what had occurred in the deceased's house though so much had transpired up to that time. And I could not possibly conceive that between the time the purgative began to act and the time I was called in viz. about 3 hours another medical man might have been brought in to treat the patients especially when it was a well known fact that most of the people resorted to hospital treatment only after their house hold remedies had failed to give relief. I therefore thought that I was the first Medical man to go there. After prescribing for the patients what I thought best under the circumstances I went home at about 1 P.M. and for two hours after that viz till 3 P.M. I took the rest that I so badly needed which rest, of course, included taking meals &c. During these two hours I did not know that any body had come to see me. When I came out at 3 P.M., my peons told me that some body had come to see me. I rebuked the peons for having not given me information of their having come. By that time two persons were dead and the 3rd (the boy) was lingering , I went to the spot and had the body removed to the hospital where he was treated as stated till he was taken home by his father at 6 P.M. Even in the evening no body told me that Mr. Hanumantha Rao had prescribed medicines for the three patients prior to my visiting them in the noon. After the two deaths occurred and when the

whole

whole mind was concentrated on what was to be done subsequently in the case and also to save the surviving boy at least ~~it~~ is impossible that I could turn my attention to the past and think of finding out if any body had treated the patients prior to my visit to them at 12 noon. If Mr. S. V. Hanumantha Rao had told me that he had prescribed medicines for allthe three patients before I went to see them that news would have been most welcome to me, and if he had really told me that, there was no motive for me to have denied it as the knowledge of the fact of his having prescribed before me would not have involved me in any difficulty. The whole scene ~~[illegible]~~ come to a close in a few hours. Events followed events in rapid succession. Mr. Hanumantha Rao did his best for the patients when he was called in and I did my best for them when I was called in. Our duty we did to the best of our ability. I fail to see why I should be blamed in the matter.

26 On receipt of the Chemical Examiner's report, Mr S. V. Hanumantha Rao learning from it that Bismuth Subnitrate was found in all the organs of the three persons came to me and told me that he had prescribed that medicine for all the 3 patients when they were seized with vomiting and purging and that unless the quantity of Bismuth Subnitrate found in the organs was known it could not be definately stated that death was due to large quantity of Bismuth Subnitrate given in mistake for Magnesium Sulphate. The Police also concurring in this view, the Chemical Examiner was requested to kindly make a quantitative analysis of the substance and intimate the result. Unfortunately the Chemical Examiner could not realize the importance of such analysis in the case, and replied that it was not the practice to do it in Medico-legal cases.

27. I think that you will be surprised to find that in the face of the evidence of Revd: Father Paulnais as 2nd Witness to the effect" I gave an intimation to the Police as desired by the Civil Surgeon who said before I could bury the bodies the Police should be informed of the matter ", the learned Magistrate was kind and generous enough to easily get an impression

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left on his mind that the whole matter would have been hushed up not only by the inmates but also by the Hospital authorities The grounds for that impression, as he says in para 58 of his order are:-

(a) The inmates failed to preserve the evacuations.

(b) The Civil surgeon failed to institute any inquiry into the matter.

(c) The evacuations of the boy while he was in the hospital were not preserved.The Magistrate says that but for the prompt action of the Police the matter would have been hushed up. It must be admitted that it is a very bold and serious charge not only against the two spiritual heads like Revd: Father Paulnais and Markham who are besides Municipal Commissionersbut also against a responsible Medical Officer like myself. This charge is lightly made on an impression without either proof or facts to support it. To substantiate this charge there must be the following conditions:-

1st. There must be evidence of conspiracy on the part of all these with combination.

2nd There must be motive for these to do so.

3rd With these two combined there must be a clear omission of duty viz. giving intimation to the Police.

In this case I beg to submit that there is no evidence of conspiracy on the part of all these- and there is no reasonfor such conspiracy, on the contrary there are unfounded and untrue allegations against me by the first witness for prosecution, who is capable of making such untrue statements as will be shown later on.

28. In the 2nd place there is no motive for me or the priest to hush up the matter though there must have been some for the 1st witness the son of the deceased old man. There is no charge against the Civil Surgeon or the priests of having poisoned the patients to hush up the case to escape conviction. In the 3rd place that they were all dealing with the case honestly and to the best of their abilities is also evident from a perusal of their statements and lastly as has been already stated I was the

first

first and foremost to have intimation of the deaths given by the priest to the police and that such intimation was given is sworn to by the priest (the 2nd witness) The police only turned up after this . When such are the facts where is the attempt to hush up the case. Unfortunately the learned Magistrate has overlooked these important facts in his anxiety to condemn me and the department now coming to the grounds for his inference or impression.

(a) The inmates failed to preserve the evacuations.

I suppose the Magistrate will not make me responsible for this The 1st witness for prosecution clearly states that the police secured the vomited and purged matter and also senna. If that be the case it is not known what thepolice did with the evacuations & why they did not send them up.

(b) The Civil surgeon failed to institute any inquiry into the matter

It may possibly be remarked that when I went to see the patients at 12 noon on that day and when, after learning the history and seeing the vomited matter, I suspected irritant poisoning, why I did not then and there go to the hospital and ask the compounder from what bottle he had given out the salt,so this, it must be said thatthe Compounder who is admitted by the Magistrate and others to be an experienced man and who has several hundreds of times handled the Magnesium Sulphate bottle is not likely in broad day light and in the working hours of the morning to show a wrong bottle, and the immediate examination of the medicines in the compounding room and the hospital registers would not have helped in the detection of the mistake-if any- as will be seen below.

At about 4 P.M. on the day the deaths occurred I asked the Compounder in the hospital to let me know unreservedly all about the sad occurrence. He said that it was true that he gave four drachms of Magnesium Sulphate to the deceased old man, the previous evening but he (the Compounder) did not mentionit to any body in the hospital nor did he get it entered in the register and admitted that it was his mistake. When he made such a

clean

clean statement as that, I fail to see where was the necessity for examining any register and with what object such examination should have been made- and I fail to see also how the examination of medicines in the compounding room would have helped in finding out the mistake if any. The examination of the daily register of out patients was useless as the Compounder admitted that he did not get the medicine entered in it. The register of daily issue of medicines would have slightly helped in the matter if it (the register) had been properly kept by Mr. Hanumantha Rao. Unfortunately contrary to the practice that previously obtained he had been entering in it only the issue of stock medicines but not all the medicines and when questioned said that he was doing it under Mr. T.V. Arumugam Mudaliar's orders. Mr. Hanumantha Rao has since been asked to revert to the former practice of entering all the medicines issued daily. The stock book contains the daily account of expenditure of only a limited number of medicines. Ordinary medicines such as Magnesium Sulphate Bismuth Subnitrate &c are not brought on this register. This book was examined at the usual time i.e.end of the month and found correct. As regards medicines in the Compounding room, I beg to state that no daily account of expenditure of all these is kept. Good quantities of all ordinary medicines are kept in the compounding room and as they are expended they are replenished from the store room and since no daily account of expenditure of these is kept a diminuation in any of them say, of about half an ounce cannot be made out on inspection.Proper account of stock medicines is kept and these when checked at the end of the month were found correct. This practice obtains everywhere and is not a thing unknown to you.

(c) All that I have to say about the non-preservation of vomited matter of the boy, I have already said.

29. Thus it will be seen that the serious charge of hushing up so readily and lightly made on mere impressions and inferences but not on facts and good grounds is quite unfounded and imaginary. It is most unfortunate and it is to be regretted very much that a Magistrate of Mr. Ananda Rao's experience should have preferred this charge against me.

in

30 In this connection I shall have to submit with due respect to the Magistrate, that he was not fair enough to properly set out the facts and statemnts of witnesses. For instance when he mentioned in his order that false and ~~informed~~ unfounded statement of the 1st witness to the effect that when I went at 12 noon to see the patients I stood at the door, did not examine the patients and did not enter the house &c he, in fairness ought also to have set out my sworn testimony on this point given before him giving a direct lie to these allegations even if he was not kind enough to believe the testimony of a responsible officer like myself in preference to that of a man who is interested in making false allegations feeling that his conduct was very suspicious in the case. One or two instances where in he (the 1st witness) appears clearly to have told a lie will show what reliance could be placed on his testimony. He says in his anxiety to avert suspicion or him and his 2nd wife the step mother of the unfortunate children that died, that the decoction of senna was made by his deceased father himself and that neither he nor his wife had anything to do with it , whereas the deceased is said to have clearly told the priest in his the deceased's dying moments that a mistake was made in making the decoction in the house thereby leaving it to be clearly understood that the decoction was not made by him. In another place the 1st witness in answer to court questions says " My father locked up the box after taking out the medicine therefrom and kept the key near him " . He handed over the same to Revd: Father Paulnais at 9 A. M. where as the Revd: Father Paulnais says in his evidence that he went there at 7-30 A.M. or 8 A. M. that the deceased told the 1st witness (his son) to give the key to him, and that the key that was then in the lock on the box was taken out by the 1st witness and given to him (the priest) and that the tin box was locked up by the 1st witness in his and in that of the deceased's presence before the keys were given to him. This evidently shows that the box had not been locked before and as such was accessible to the 1st witness thoug' the Magistrate says it was not tampered with and so on. Here are grave contradictions and anybody can see that the affair of this locking up is very suspicious, and it

looks quite unnatural on the part of the deceased's father not to have trusted his son with the key of the box and its contents and the reason of his so doing is not clear unless it be that he suspected his son of some foul play.

31 I regret I have to point out that the Magistrate, who as a layman, ought to be very slow in questioning the propriety or condemning any treatment given to the patients under the peculiar circumstances of each case best known to medical men and when done to the best of their abilities, has not been fair in bringing in a wholesale charge of want of sympathy and humanity and of grave omission to give proper treatment to and make efforts to save the boy against all the medical authorities including me in his paras 14 and 15 again entirely depending for this serious charge on the most unreliable testimony of the ~~2nd~~ 1st witness. Is the 1st witness (the deceased old man's son) ~~[illegible]~~ a proper judge to pronounce the treatment as improper and the attention not satisfactory ? and is that to be judged on the result of each case ?. On the contrary it will be seen from the evidence of that very same 1st witness that it was at my instance and strong persuation that the boy was removed to the hospital and my chief anxiety in doing so, as a medical man of so many years experience and as a man of children was to try my best to save the boy at least if possible, & the object of getting him into the hospital ward was to give him better comfort, better attention and treatment. The 1st witness was not easily willing to remove him to the hospital, and he frankly admits that he was the only one to attend to the boy and that there were two dead bodies already in the house. ~~[illegible]~~ I thought that the boy might get alarmed at the sight of the dead bodies and might not be properly attended to and out of humanity I induced the 1st witness to send the boy to the hospital. He was removed there at about 4 P.M. and as already explained I attended to him till 6 P.M. when he was taken away home by the 1st witness notwithstanding my strong protest against it. Unlike the Magistrate the 1st witness nowhere assigns bad treatment as a reason for his

removing

removing the boy but on the contrary he says in his evidence that he removed him as there was none in the house where there were two corpses. Even then he says he was instructed to give effervescing draughts in milk and he was so giving it now and then. Saying at the same time that the doctor got him a soda water bottle for the use of the boy.

32. After the 1st witness removed the boy home I very much regret to say he never came to me on subsequent days and reported the condition of the boy, nor did he ask me to see the boy as he falsely asserts that he did, to ward off the blame that is attached to him. But I find from the evidence of Mr. Hanumantha Rao that he prescribed on the 17th medicine as per Exhibit K finding that the boy was sinking. The 1st witness denies even this visit of Mr. Hanumantha Rao, I would have certainly gone to the house of the 1st witness and attended to the boy personally as I readily did when I was first called had he (the 1st witness) shown the slightest anxiety that I should do so. But from the behaviour of the man when he removed the boy and by his indifference afterwards I was afraid I would be considered as intruding on them when they did not want me. Hence my not going there. But if this action of mine is considered improper I humbly beg that I may be excused.

33. Sub Assistant Surgeon Mr. S.K.Hanumantha Rao held Post mortem examination on all the three bodies. I was not present at the examination since I was indisposed.

34. As regards the Magistrate's remark in para 37 of his order to the effect that the Sub Assistant Surgeon says that no Hospital Assistant is named off for duty always as is done in other such institutions, I beg to state that on account of the uncertainty of a definite number of Hospital Assistants always remaining in the station it is impossible to do this always . This matter has been brought to your notice in this office No. dated and a remedy for the inconvenience caused thereby has also been suggested but with what result it is not known. When in a subsequent communication (this office No. dated I brought to your kind notice that there were

only

only two Hospital Assistants in the station viz. one in the Civil Hospital and one in the Jail, the latter helping in the Civil Hospital in the morning, and that the staff required to be strengthened in consequence of pressure of work and the half yearly returns being called for by you, you were pleased to reply that you did not consider it necessary to send any more hands. And since one Hospital Assistant only was available then for day and night duty in the hospital and he could not be so confined in the Hospital daily, it may be naturally inferred that you indirectly expressed that you did not consider it necessary to name off Hospital Assistants for day and night duty always.

35. In passing, it may be pointed out that the Magistrate in para 25 of his order sets out the treatment adopted as if to show that it was not proper, perhaps with that end he seemed to have questioned the Chemical Examiner who has in his evidence said that soda water if given in small quantities might check vomiting at any stage.

36. I am constrained to remark that the Magistrate is not at all justified in making the observations he does in para 14. As an improfessional man he ought to have refrained from making such accusations against professional men. The persons that could speak to the condition of the patients are the professional men that attended on them at the time and not the Magistrate. I have spoken to the condition of these patients when I went and examined them and I have also given my diagnosis and my prescription. In the face of my evidence I ask is it proper or fair for an unbiassed Magistrate to make these observations against Medical men.

37. The fact that the accused and the first witness for prosecution were related to each other, that the accused engaged Mr. K. Rama Rao as his Pleader when the latter was fighting tooth and nail against the temporary transfer of the Female Dispensary to the Civil Hospital under the impression that I was the cause of that transfer which he very much disliked, that Mr. Ananda Rao the trying Magistrate also showed himself to have been against the transfer of the Female Dispensary to the Civil Hospital when he in your own presence and in the presence

of

of others in the Civil Hospital vehemently condemned the location of that Institution viz. the Female Dispensary, in the Civi Hospital on the morning of the 3rd of May 1902, that Mr. Ananda Rao delivered his order after it was known that you were not in favour of transfering the Female Dispensary to the original building, that he during the trial allowed Mr. K. Rama Rao to put questions to me that were not relevant to the point in issue and should not properly come from him when his defence was that the accused had not committed any mistake and when the medical men were not the accused on trial, that the Magistrate after finding that the accused committed no mistake in the hospital should have strayed from the pointto condemn the hospital administration, the treatment &c given to the patients and even gone the length of saying that we did not even properly diagnose the disease and know the condition of the patients, that he should have been so ungenerous and unkind as to accuse me of want of sympathy and humanity &c, that he should have so very lightly laid an unfounded charge of hushing up the matter but for his energetic police, overlooking the most important points in our favour and the short comings of the Police, that he should have failed to set out the statements of witnesses fairly, that he having indicated that strong suspicion rested on the 1st witness and his wife from the circumstances of the case and knowing that the 1st witness was making most contradictory and unreliable stateents and as such not worthy of credit, should have preferred to rely on the statement of such a man whom his father even would not entrust with the key, to condemn the Medical men in the face of their sworn testimony giving a direct lie to the statement of that man who had a motive to utter falsehood to screen himself from suspicion, that the Magistrate should have failed to elicit that the first witness wife was his second wife &c and that he should have unnecessarily repeated the portion wherein he condemns the Medical men over and over again in his order perhaps to produce the intended effect, all lead me to conclude that the Magistrate was prejudiced against me and that he did not bring a fair mind to bear upon the case

but

ut it is possible I may be wrong in my conclusions.

37. I herewith submit copies of statements of all the wi tnesses examined in the case made by one of my men from the original record, but these were not authenticated by the Magistrate since he wanted me to pay up stamps which would be very heavy for that purpose. The copies are accurate but to be on the safe side I begyou may send for the original if needed I hope that by a perusal of all the statements together with my humble explanation you will be convinced that the condemnations of the Magistrate are quite undeserved.

38. In conclusion I most humbly and respectfully express my gratitude to you for having so kindly given mean opportunity to explain matters fully.

I have &c

/Signed / G.L.Lakshum·nasawm

Civil Surgeon

" Copy "

From

G. L. Lakshumanasawmy Esq.

Civil Surgeon, Shemoga District.

To

Lt. Col. Percy H. Benson M.B, I.M.S,

Senior Surgeon & Many: Commr: Mysore Govt:

No. 1308

Dated 12th June 1902.

Sir,

In returning with many thanks the enclosed Memorandum No. 18970/Mis. 2837 dated 7th June 1902 from the Secretary to the Government of Mysore, giving cover to a Memorial from Mr. K.Rama Rao, which you so kindly handed over to me at Shemoga , I have the honor to state that I deem it my duty to offer, with your kind permission my explanation on it which is as follows:-

2. Since the result of trial in the recent Shemoga Town poisoning case has been made the basis of the complaint lodged by Mr. K.Rama Rao,I humbly submit that it is of primary importance to observe the mystery in which the poisoning case is ~~[illegible]~~ enveloped, and to see whether the trial was made with a fair or prejudiced mind and whether proper inferences were derived from facts elicited. To see all this I beg of you to peruse once more my letter of explanation already submitted(No 1247 dated 3-6-02) and kindly excuse the trouble which the lengthiness of it entails.

3. In the Departmental enquiry you held in the District office at Shemoga on the 9th Instant before the Deputy Commissioner I doubt not you have kindly observed several discrepancies between the statements made by J.M.D'Souza before you and those made by him before the Magistrate, which discrepancies make the statements altogether incredible. Rev. Father Marcon made certain statements qualified by the expressions " I think " " I am not sure " " I dont remember " and so on, which should in my humble opinion go in my favour. Mr. S. K. Hanumantha Rao from whom you wanted to elicit whether he told me at any time the medicine that he had prescribed for the patients before I saw them, said that he did tell me the same on the evening of

the 15th February 1902 on his learning from me of the deaths of the patients and that he did not then know that the boy Paul D'Souza was in the Hospital. He stated also that he remembered the time at which he paid his evening visit to the Hospital but did not remember the time at which he left it. This statement when considered with the fact that in his letter of explanation already submitted along with mine he has stated that he told me about the medicine when I was engaged in treating the boy in the Hospital thus making one understand that he knew that the boy was in the hospital, clearly shows that Mr. Hanumantha Rao's statement is anything but true. These several inconsistencies, you personally directed me to send to you on a separate paper and I have now done so (Vide paper marked A in red ink)

4. I sent for your examination the peon that was present on duty at my quarters on the day the deaths occurred, and who was supposed to have informed Rev. Father Paulnais that I was engaged in " Puja ". My Object in sending this man to you was to make it clear to you that he did not inform me of the calls when I was in " Pooja " and that if he had done so I would have as already stated in my other explanation, attended to the callsat once. But you did not deem it necessary to examine him.

5. I would have brought to your notice many more facts had you given me at least five minutes notice that you ~~////~~ would hold a departmental enquiry, but unfortunately I was taken by surprise and consequently I had no time to refresh my memory

6. As regards the charge made by Mr. K. Rama Rao to the effect that I was negligent and unsympathetic in the instances he has quoted I beg to state that it is not denied that I did pay attention to all the cases but the amount of attention to be paid to each case is, as you know, better known to the Medical man concerned than to the patients themselves or to the Memorialist.

7. I now give a brief description of the cases mentioned by him.

(1) On the 15th and 17th February last three valuable lives were lost in connection with the poisoning case About this I have already submitted by detailed explanation (Vide letter No. 1247 dated 3-6-02)

(2) One Abdul Guffoor came to the Hospital for treatment as

as an out-patient on a certain day and wished to get

a prescription from me. He was suffering from Eczema of the face and tansal ophthalmia. I prescribed for him Dilute Citrine ointment and gave instructions that he should apply it morning and evening cleaning the part well each time with soap and water. He saw me again on the 2nd day: I told him to continue treatment, probably he came on the 3rd day also and never after that- I do not know what subsequently happened

(3) I was called in, on another day by this very Mr. K. Rama Rao, to see the patient Lukshimiboyee while I was on my rounds. I went to her and learnt from the party that Sub Assistant Surgeon Mr. S. K.Hanumantha Rao was treating her for plague with ~~quinine~~ quinine They did not tell me that she was in the early stage of pregnancy. As she complained of pain in the belly

I suggested a dose of santonine being given and the other treatment continued. That very night abortion occurred and she died. When I went that side the next morning they told me this fact and I then and there remarked that the abortion was probably due to the quinine administered when in a delicate state of healh Mr. K. Rama Rao states that in this case the husband

tried to secure my services but did not succeed. Is it possible to believe that the ordinary classes of

people of Shemoga are so far advanced in civilization as to entrust a young woman 18 years old suffering from symptoms of threatening abortion to the care of a male doctor when a ~~complaint~~ competent lady doctor and a Midwife were available? Is it not a fact that Miss. Paul the Female Hospital Assistant is a good friend of Mr. K. Rama Rao and has attended on his daughters during confinement ? Is it not a fact that the husband of the unfortunate patient is a friend or acquaintance of Mr. K. Rama Rao and also his neighbour Is it possible to think that Mr. K. Rama Rao could not think of recommending Miss. Paul's services being secured when the husband as he says was trying to secure my services which is absolutely incredible under the circumstances? It has been more than once mentioned that Mr. S.K.Hanumantha Rao gave up cases simply because I was called in to treat.I can show instances in which he has seen patients and prescribed for them knowing full well that they were my cases. Such instances have occurred in the houses of Messrs K.P.Puttanna Chetty and B Garudachar. I have not instructed Mr. Hanumantha Rao to discontinue his attendance and treatment the moment I am called in. He ought to know that I am a higher marr and that I have power to order a modification of his treatment in any case.

(4) As regards the correspondence between Mr. M.Bhavoo Rao and myself in the matter of the supposed omission of some medicine by the compounder in making up a prescription I beg to state that this legal gentleman was under the treatment of Sub Assistant Surgeon Mr. S. K. Hanumantha Rao at the time for some illness. If he (Mr. Bhavoo Rao) had observed that any medicine was ~~omited~~ omitted in making up the prescription he might have simply brought it to the notice of his Medical attendant the Sub Assistant Surgeon, who had ample powers to investigate the matter and bring to my notice if necessary the conduct of the compounder with a view to some punishment being inflicted. He did not proceed in that manner. With some object in view he wrote a letter tome explaining to me the

said

said facts and mentioning that he had sent a portion of the mixture for my examination. According to Mr. Hanumantha Rao's version (Vide D. O. correspondence between him and me marked B in red ink) Mr. Bhavoo Rao seems to have sent a note to him (Mr. Hanumantha Rao) also informing him about it but without giving a hint that he has also addressed me on the matter. Mr. Hanumantha Rao examined the mixture and threw it away without showing it to me. Mr. Bhavoo Rao's expression were very strong and he threatened to take legal action. But I could not punish the compounder since I was not convinced of his fault. This put me in a delicate position and I did not know how to act Then I explained all this to Mr. Bhava Rao and said that I would be the last person to overlook such ~~ins~~ mistakes on the part of the compounder and that if he Mr. Bhavoo Rao could prove the mistake I would take serious notice of the compounder's conduct and that if he could not prove it he should show justification for his remarks and also thatas he threatens to take legal action in the matter I would myself undertake that duty for himwhen perfect justice would be done to him the compounder and myself. Further I added that since public interests were concerned this action was all the more important. The legal action was never taken Mr.Bhavoo Rao meets me now and then and there is no misunderstanding of any kind between us. If this action of mine he held to be wrong I beg I may be excused.

(5) Mr. K. Rama Rao states that I did not show any sympathy to him when the life of his dear daughter was at stake and that I tried to deprive him of all Medical help at the time. It is surprising to observe that Mr K.Rama Rao should in the case of his own daughter be so reserved and hesitating in mentioning actual facts I really do not understand what the change is in this respect. I do not know whether he means that I did not go to see the patient when I was called in, whethe having seen the case I applied noproper treatment or whether any untoward consequences happened owing to my negligence. All that I remember in this matter is that I treated one of his daughters for fever and debility after abortion with success. Mr. K Rama Rao himself called me in as MissPaul's treatment in the case proved ineffectual. Ample proof could be had in Shemoga itself if needed, of my ready accessibility careful attention and good Medical skill. I beg to be allowed to remark here that criticisms by prejudiced laymen on professional actions of Medical men cannot be of any value.

8. Thus it will be seen from the way Mr. K. Rama Rao has gone out to collect cases against me when the persons concerned do not themselves come forward with petitions and from the indication of the punishment awarded to Mr. S.K.Hanumantha Rao for his apathy which the Memorialist calls alleged apathy one can easily understand the amount of bias he has against me.

9. I beg to bring most prominently to your notice that when I was appointed as Civil Surgeon and posted to the Shemoga District and before my ~~appointing~~ joining the appointment Mr. K.Rama Rao and some others jointly sent their protest, to Govern

Government, through the present Deputy Commissioner, against my being posted to this place, and that when, in spite of it, I was sent here the feelings of hatred increased and they were waiting for an opportunity to injure me and see me off notwithstanding my good behaviour towards them. Unfortunately for me this sad case of poisoning occurred which gave them an opportunity to try to accomplish their object by turning the whole thing against me though at the risk of justice and honesty which will be evident from a perusal of my lengthy explanation already submitted in connection with the poisoning case (vide letter No. 1247 dated 3-6-02).

10. Finally I beg to state that whatever course this case against me may take I have the full satisfaction of having brought the whole matter to your kind notice.

I have the honor to be,
Sir,
Your most obedient servant

Sd/- G.d. Lakshmanarao

Civil Surgeon Shemoga district.

"Copy"

From

G. L. Lakshumanasawmy Esq.

Civil Surgeon, Shemoga District.

To

Lt. Col. Percy H. Benson M.B, I M.S,

Senior Surgeon & Sany:Commr: Mysore Govt

No. 1414

Dated 10th July 1902.

Sir,

Adverting to my letter No. 1247 dated 3-6-02 in which I explainthe charges against me in the recent Shemoga Town Poisoning case, I have the honor to state that I consider it necessary to render the following additional explanation in my defence and to request that if your report to Government in the matte will affect my present position and status,you will be pleased to submit at your earliest convenience, this letter of mine with its enclosures to Government, together with my letter of explanation (No. 1308 dated 12th June 1902) regarding the charges made against me by Mr. K. Rama Rao, which letter discloses many important facts in connection with the case.

2. In addition to what I have already stated about the Chemical Examiner in this case, the following in my humble opinion deserves mention. Out of the total number of articles sent to the Chemical Examiner for analysis, he omitted to report on two of the most important articles Viz. a small pill box containing a small quantity of white powder found in the house and a gunny bag soiled with evacuations. When about 29 days after the Police found this out and asked for the result of the examination of these two substances the Chemical Examiner askedfor the return of the original docket intimating the result of the examination. The Police refused to return the original docket when, the Chemical Examiner said that those two substances also contained Bismuth Subnitrate. This I need not say, speaks for itself.

3. Thatthe present Deputy Commissioner (Mr. K.P. Puttannah Chetty) was on the side of Mr. A. Ananda Rao (the Magistrate) and Mr. K. Rama Rao in the matter of re-transfer of the

Female

Female Dispensary to Doddapettah and therefore necessarily 34
against me is evident from the following:-

During one of your recent visits to Shemoga you had /6/6/ resolved to retain the Female Dispensary permanently in the Civil Hospital as you thought that was the best place for it. This was your deliberate opinion after studying carefully all the circumstances and hearing both sides. With the object of giving effect to this opinion you had asked me to request the Executive Engineer to submit plans and estimates for extending the building westwards to afford more accommodation for the Female Dispensary, which was accordingly done. The Deputy Commissioner at a subsequent visit of yours to Shemoga instead of being neutral in the matter as he should have been, used his best influence with you , made you cancel your previous resolution and order the re-transfer of the dispensary to Doddapettah. In some plague matters there have been differences of opinion between the Deputy Commissioner and myself. The annexed correspondence on some plague question clearly proves that the Deputy Commissioner has not been in good terms with me. When such was the feeling between the Deputy Commissioner and myself you were pleased in your Departmental enquiry to plawe my letter of explanation in his hands and take him as your guide with the result that:-

(a) I was taken by surprise and did not get even a minutes notice of your intention to hold an enquiry to enable me to refresh my memory and call to recollection past events.

(b) Evidence was not taken of the witness produced by me to prove certain things, which would have been favourable to me.

(c) Evidence of only those whom the Deputy Commissioner suggested was taken.

(d) The good opinions expressed by some of the local officers and private individuals about me to you were disregarded.

The

(e) The explanation that I submitted in connection with Mr. K. Rama Rao's Memorial to Government against me, which explanation discloses many important facts was kept back. This is only my presumption as you personally told me that you would take no notice of the Memorial.

4. Whether there was any fairness in the Departmental enquiry, I beg you will be pleased to consider.

5. As regards the preservation of evacuations by Medical men for Medico-legal purposes, I beg to state that it is strange that on such an importantmatter as that there should be no ruling. Rules have been framed regarding the duties of the Chemical Examiner, regarding transmission of substances for Chemical examination and there are rules on other departmental matters. It is nowhere stated that the preservation of evacuations is a part of a Medical man's duty. Even if it be held that evacuations should have been preserved to further the cause of the Police, I beg to submit that it is an error of discretion for which, being the first time, I am entitled and beg to be kindly excused and guided for the future. Besides to be of any use in the case the earliest evacuations should have been collec ed. I had not the opportunity of seeing the case in the early stages. Sub Assistant Surgeon Mr. S. K. Hanumantha Rao had such opportunity. He saw the early evacuations which are described by him as greenish, which is unusual. The green vomit should have struck his attention. Such vomit may have been the result of poisoning by verdegris or arsenic. The Sub Assistant Surgeon never thought of preserving it or bringing it to the notice of the Civil Surgeon. Besides the Sub Assistant Surgeon in his evidence before you uttered a falsehood, which also you were pleased to overlook. When my action in this matter is so much criticised knowing that it is not clear whether this duty falls within the scope of a Medical man's duties or not I do not understand why no notice was taken of the conduct of the police when they clearly failed in their duty of preserving the evacuations when there was every chance for their doing so.

6. About the most important point that when somebody came

to

to my quarters to call me, my peon told him that I could not be disturbed being in " Pooja " I beg to state thatunfortunately for me you were not pleased to examine the peon and if necessary confront him with the man that was supposed to have come to call me.

7. You expressed, if I remember right while here, that at 3 P.M. my not having gone into the house and seen the two dead bodies and the surviving child is a serious charge. With reference to this I beg to state that this could not be done without some-body taking me inside. I went to their door and announced my arrival. Rev. Father Poulnais came out and told me every thing. If he had taken me into the house there would have been no difficulty of any kind for me to have gone in. Then I requested the Rev Father to use his best influence and have the surviving child removed to the hospital, which he did. There was a gathering of a number of men and women in the house at the time and there was much excitement and confusion. That was a time when intrusion of any kind by outsiders especially Government officers would not be welcomed. Under these circumstances and knowing well the habits, customs and feelings of ordinary classes of natives and especially of Shemoga men on such occasions, I refrained from rashly going in. Of what use the inspection of the dead bodies was in the case, I cannot understand The removal of the child to the hospital was the only chance of saving it, no matter whatever may have been its condition at the time of removal. It was clearly impossible for the child to have survived long if he had been left in the house considering the size of the house, the mob present and the confusion and excitement that prevailed at the time. Here again I used my best discretion under the circumstances and did not fail in my duty.

8. Another charge which I understood you to have express ed as serious is that I did not see the child again after removal from the hospital till the child's death on the 17th Instant.About this I beg to state as I have alraedy stated in my explanation that the party was indifferent in the matter. They

did not care for treatment or advice. If they had really called me to see the boy is it possible to imagine that I who pass several times daily by the boy's house would not have stepped in and seen the boy.. Am I not a man of children ? could I be so heartless as not to try and save the boy or at least see and prescribe for him on my way to the Jail and other places. It should be noticed in this connection that all native Christians in Shemoga work through the Priest for any thing they may require and the officers work through the Priest when they want to get anything done by the Native Christians population unless the parties know each other. In the present case if I had refused to see the child as stated it is not known why the boy's father did not refer the matter to the Priest and solicit his interference as was done at the start.

I have the honor to be,

Sir,

Your most obedient servant

Sd/ G. A. Lukshman Ayyangar

Civil Surgeon, Shemoga District.

"Copy"

G. A. Lukshman Ayyangar

81.2 1904 38

Read:—Letter No 9 363 dated the 6th January 1904 from the Offg Senior Surgeon and Sanitary Commr with the Govt of Mysore, forwarding in substitution of ~~Extract~~ for the one recd with letter of the 1st June 1903, from Mr G L Lakshmanaswamy, about his degradation from the rank of a Civil Surgeon to that of an Apptt Surgeon.

Order thereon Ho 39 30 dd 9 Dec 1903

The Govt of M. S. the Maharaja regret that they the case of Mr G. L. Lakshmanaswamy, which was most carefully considered and disposed of in their order No 5301-2 dated 816 of the 3rd October, 1902, cannot be ~~allowed to~~ be reopened. If the Apptt Surgeon is broken down in health and is shewing inefficiency in the discharge of his duties, the Senior Surgeon will

17/12/03

tion of retirement be regulated by Rules.

~~Be requested to~~
favor Govt with an
expression of his opinion
~~thereon for their orders~~.
in the matters.

30/1/14
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JB
30/1/04

30/1/04

30/1/04

To
The Senior Surgeon
Retg enclosures.

R.S. 26]

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File No.

Serial No.

*iary No. of letter replied to*_____

No 1099
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29.7.09.

eneral and Revenue Secretariat
( )
, *the* 190

To The Senior Surgeon

Date of issue 29-7-09.

Signed by M.K.M.

Adverting to the correspondence ending with the letter of even no dated the 9th Feby'04 ult the degradation of Mr G. L. Lakshmana Sawmy from the rank of Civil Surgeon to that of Asst Surgeon, has the honour to return herewith the papers as per accompanying list, the petition submitted by the Senior Surgeon in the Commr's letter which they were forwarded to Govt.

of which

By Order
MMD
For Secretary
29/7/09

over.

SUBJECT.

Reg
mmo

List of papers returned to the Senior Surgeon 94

under Docket no: 9 this 9 July '02.

fee to Sen: Surgeon must write where the papers were forwarded to &	Description of Papers returned
Letter no 87 ñ 9 23.7.02	Q Letters nos 370 & 373 9 19th & 22d Sept '02 from Mr Lakshmanasamy to the Senior Surgeon.
9 219 19.7.02	O Letter no 1414 9 10.7.02 ~~from~~ under cover: from Mr Lakshmanasamy re Libty his additional explanation in defence of his conduct in the Shimoga poisoning case.
5802 9 29/6/02	S Papers referred to in the list which accompanied the letter